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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/215,483 12/18/98 MISHRA

A 0138-US (P650)

EXAMINER

WM01/0201

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ART UNIT

PAPER NUMBER

2682

DATE MAILED:

02/01/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/216,483**

Applicant(s)  
**Animesh Mishra**

Examiner  
**Naghmeh Mehrpour**

Group Art Unit  
**2682**



☒ Responsive to communication(s) filed on Nov 14, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1-25 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-21 and 23-25 is/are rejected.
- ☒ Claim(s) 22 is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-5, 7-10, 12-14,** are rejected under 35 U.S.C. 102(a) as being anticipated by Yeom et al. (US Patent Number 5,943,625)..

Regarding **Claims 1-3, 7-8, 12-13**, Yeom teaches a remote control 200 for an electronic device comprising: a first device including a processor arranged to control a radio frequency transceiver and an infrared transceiver, and a device adapted to remotely control an electronic device 11 and a telephone unit 13 adopted to enable remote communication with a telephone network (See figure 1, Column 5 lines 19-40), **the telephone unit including a transceiver to remotely communicate with the telephone network, the telephone unit including a device that detect the carrier frequency of another wireless telephone and automatically tunes to the carrier frequency of another wireless telephone.** Yeom remote control contains a processor that controls the radio frequency and an electronic device.

Regarding **Claims 4-5, 9-10**, Yeom teaches a remote control unit wherein the transceiver is a radio frequency (See figure 1, numerals 200, and 13, Column 5 lines 19-23) , inherently radio transceiver is tunable to the carrier frequency used by another wireless telephone.

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Regarding **Claim 14**, Yeom teaches a remote control system wherein the control unit is adapted to act as radio frequency transceiver for telephone communications with the first device 104. In figure 1, Operation control unit 21 controls the telephone receiver 221, and telephone transmitter 261.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 6, 11**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. (US Patent Number 5,943,625)

Regarding **Claims 6, 11**, Yeom teaches a remote control which forward a wireless transmission received from the telephone 13 to the electronic unit 11 (See figure 1). Yeom does not specifically mention repeater forwarding the wireless transmission. However it is well known in the art to use repeater for signal transmission. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to repeater for forwarding the wireless transmission, for the purpose of stronger signal.

5. **Claims 15**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. (US Patent Number 5,943,625) in view of Gouessant (US Patent Number 5,920,806).

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Regarding **Claim 15**, Yeom fails teaches a control system wherein the first device is a set-top computer system. However Gouessant teaches a control system wherein the device is a set-top computer (See figure 1, Abstract, Column 3 lines 5-25). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to above teaching of Gouessant to Yeom, in order to use a device which can be adapted to computer and TV.

6. **Claims 16-25**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. (US Patent Number 5,943,625) in view of Welty (US Patent Number 5,109,222.)

Regarding **Claims 16, 20, 25**, Yeom teaches a method of completing a telephone call comprising:

enabling a user to receive a telephone call on a remote control unit,

enabling the user to control an electronic device using the remote control unit (See figure 1, Column 5 lines 19-40),

Yeom fails to teach:

**causing a proximate wireless telephone to generate a carrier frequency, and**

**adopting the frequency as the carrier frequency for communication with the remote control unit.** However Welty teaches **causing a proximate wireless telephone to generate a carrier frequency, and**

**adopting the frequency as the carrier frequency for communication with the remote control unit** (Column 4 lines 23-45). Therefore. It would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching to Yeom, in order to provide

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a programmable remote control which is capable of automatically controlling various type of electrically operatable equipments.

Regarding **Claims 17, 24**, Yeom teaches a method that detects an incoming call and produces an off hook signal (Column 6 lines 5-20, See figure 1).

Regarding **Claims 18-19**, Yeom teaches a method including converting signals from a telephone network into radio frequency signals and transmitting the signals to the remote control unit (Column 4 lines 60-67).

Regarding **Claims 21, 23**, Yeom teaches a remote control unit wherein the transceiver is a radio frequency (See figure 1, numerals 200, and 13, Column 5 lines 19-23) , inherently radio transceiver is tunable to the carrier frequency used by another wireless telephone.

#### **Allowable Subject Matter**

7. **Claim 22**, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Response to Arguments**

8. Applicant's arguments with respect to **claims 16-25**, have been considered but are moot in view of the new ground(s) of rejection.

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9. Applicant's arguments filed 11/14/00 regarding Claims 1-15, have been fully considered but they are not persuasive. Applicant argues regarding Claims 1-5, that "the telephone unit automatically adopts itself to whatever carrier frequency is being utilized so that the remote control unit may be automatically used to answer incoming calls if desired. No such feature is set forth in Yeom." Examiner response that Yeom teaches a telephone unit automatically adopts itself to whatever carrier frequency is being utilized (Column 5 lines 55-65). The Applicant does not mentioned in the claim that is for the remote control unit be automatically used to answer incoming calls if desired. However such feature is well know in the art. Applicants argues regarding Claims 7-15, that " Claim 7 calls for a system in which the remote control unit does three things. It may act as telephone handset, it also controls an electronic device such as a television and in addition, it communicates with a first device including a processor. Thus, it may establish a system in which a single handset communicates with three different systems ". And Claim 13 calls for a system in which the first infrared signals and the remote control unit communicate with the electronic device using infrared unidirectional signals. No such system is described in Yeom. In response to Applicant argument, Examiner response that the Claim 7 does not calls that telephone handset communicates with the first device (processor). And regarding Claim 13. Yeom teaches that infrared signals and the remote control unit communicate with the electronic device using infrared unidirectional signals (Column 5 lines 22-41, See figure 1, and table 1). Yeom remote control 200 contains a processor that controls the radio frequency 13 and an electronic device 11.

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***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. 10.

11. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308--6296, (for formal communications intended for entry)

**Or:**

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)



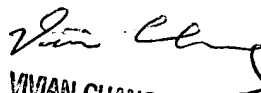
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

Jan 29, 2001

  
VIVIAN CHANG  
PRIMARY EXAMINER